

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIATV INTERACTIVE DATA
CORPORATION,

Plaintiff(s),

No. C 10-0475 PJH

v.

CASE MANAGEMENT ORDER

SONY CORPORATION, et al.,

Defendant(s).

The eleven remaining defendants comprising three groups (the Sony group, the Toshiba group, the Funai group) were before the court along with plaintiff for case management conferences on January 5, 2012 and telephonically on January 12, 2012, to discuss the management of this case involving allegations of patent infringement and invalidity, among other issues, of four patents. This matter was recently reassigned to the undersigned judge from the docket of another judge of this court. The court expressed its view that the defendants (who originally numbered 29) were improperly joined in this action and solicited the input of counsel on how to provide defendants with an opportunity for individualized defenses while making the case manageable for the court. Severance of the defendants was one option considered by the court. However, having considered the differing views of the parties, and in light of the unrelated defendants' inability to mount a single joint defense as well as the age of the case, the court opted not to dismiss the mis-joined defendants or to sever the defendants for all purposes. However, the court's case management plan going forward will be to sever the defendants for dispositive motions and trial, but not for discovery. To that end, the court orders as follows:

1. The court adopts the discovery schedule contained in the parties' joint case management statement. All discovery by all parties will be completed before the first trial.
2. A magistrate judge will be randomly assigned now to oversee all discovery and to resolve any discovery disputes that arise and that the parties are unable to resolve themselves.
3. The fully briefed motion for partial summary judgment on invalidity filed by all defendants on August 19, 2011 (Docket no. 320) will be administratively STAYED and will be heard by the court at the same time as the Sony group's motion for summary judgment on October 3, 2012.
4. All defendants within each of the three groups will be treated as one defendant and will be required to file one brief.
5. Trial will proceed between plaintiff and the Sony group commencing March 11, 2013, in accordance with the pretrial order filed separately on this date.
6. Dispositive motions and trial for the remaining two defendant groups will be scheduled after trial of the Sony group.

The court neglected to remind the parties during the telephonic conference, that they may, if they wish, consent to the jurisdiction of one of this district's magistrate judges, including those in the San Jose Division, which might afford them more flexibility in scheduling and in the number of briefs permitted. The parties shall confer and advise within one week whether they wish to have this matter reassigned to a magistrate judge of their choosing.

IT IS SO ORDERED.

Dated: January 13, 2012



PHYLLIS J. HAMILTON
United States District Judge